

1 of 2 pages

80TH CONGRESS
1ST SESSION

H. R. 3469

(S. 1282)

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1947

Mr. COLE of New York introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

A BILL

To promote the national security by providing for the coordination of all elements of national security, and for the reorganization of the military structure of the Nation to conform to the requirements of modern warfare.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Defense Coordination
4 Act of 1947".

DECLARATION OF POLICY

5
6 SEC. 2. (a) In enacting this legislation it is the intent
7 of Congress to provide permanent, effective, and economical
8 machinery for the coordination of all elements of national
9 security. In so doing, Congress is mindful, as were the

80TH CONGRESS
1ST SESSION

S. 1282

1 of 32 pages

IN THE SENATE OF THE UNITED STATES

MAY 14 (legislative day, APRIL 21), 1947

Mr. ROBERTSON of Wyoming introduced the following bill; which was read twice
and referred to the Committee on Armed Services

A BILL

To promote the national security by providing for the coordination
of all elements of national security, and for the reorganization
of the military structure of the Nation to conform to the
requirements of modern warfare.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 *That this Act may be cited as the "Defense Coordination Act*
4 *of 1947".*

5 DECLARATION OF POLICY

6 SEC. 2. (a) In enacting this legislation it is the intent
7 of Congress to provide permanent, effective, and economical
8 machinery for the coordination of all elements of national
9 security. In so doing, Congress is mindful, as were the

CONFIDENTIAL COMMITTEE PRINT NO. 71

MAY 30, 1947

Calendar No.

80TH CONGRESS
1ST SESSION

S. 758

[Report No.]

1 of 60 pages

IN THE SENATE OF THE UNITED STATES

MARCH 3 (legislative day, FEBRUARY 19), 1947

Mr. GURNEY introduced the following bill; which was read twice and referred to the Committee on Armed Services

JUNE , 1947

Reported by Mr. _____, with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To promote the national security by providing for a National Defense Establishment, which shall be administered by a Secretary of National Defense, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Defense Establishment, and for the coordination of the activities of the National Defense Establishment with other departments and agencies of the Government concerned with the national security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 That this Act may be cited as the "National Security

5 Act of 1947"

[CONFIDENTIAL COMMITTEE PRINT NO. 51]

MAY 28, 1947

80TH CONGRESS
1ST SESSION

S. 758

1 H 32 pages

IN THE SENATE OF THE UNITED STATES

MARCH 3 (legislative day, FEBRUARY 19), 1947

Mr. GURNEY introduced the following bill; which was read twice and referred
to the Committee on Armed Services

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To promote the national security by providing for a National Defense Establishment, which shall be administered by a Secretary of National Defense, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Defense Establishment, and for the coordination of the activities of the National Defense Establishment with other departments and agencies of the Government concerned with the national security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 That this Act may be cited as the "National Security
5 Act of 1947".

[CONFIDENTIAL COMMITTEE PRINT NO. 41]

MAY 24, 1947

80TH CONGRESS
1ST SESSION

S. 758

1 H 32 page

IN THE SENATE OF THE UNITED STATES

MARCH 3 (legislative day, FEBRUARY 19), 1947

Mr. GURNEY introduced the following bill; which was read twice and referred to the Committee on Armed Services

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To promote the national security by providing for a National Defense Establishment, which shall be administered by a Secretary of National Defense, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Defense Establishment, and for the coordination of the activities of the National Defense Establishment with other departments and agencies of the Government concerned with the national security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SHORT TITLE**

4 That this Act may be cited as the "National Security
5 Act of 1947".

80TH CONGRESS
1ST SESSION

S. 758

1 of 5 pages

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, APRIL 21), 1947

Referred to the Committee on Armed Services and ordered to be printed

AMENDMENT

Intended to be proposed by Mr. WILSON to the bill (S. 758) to promote the national security by providing for a National Defense Establishment, which shall be administered by a Secretary of National Defense, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Defense Establishment, and for the coordination of the activities of the National Defense Establishment with other departments and agencies of the Government concerned with the national security, viz: At the proper place in the bill insert the following:

- 1 1. The National Guard and Naval Militia Bureau is hereby
- 2 established as the agency of the Department of National De-
- 3 fense charged with the administration and general supervision
- 4 of the National Guard of the United States, the National
- 5 Guard not in Federal service, the Naval Militia, and of all

84TH CONGRESS
2D SESSION

S. 3851

IN THE SENATE OF THE UNITED STATES

MAY 15 (legislative day, MAY 7), 1956

Mr. RUSSELL (for himself and Mr. SALTONSTALL) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend the Central Intelligence Agency Act of 1949, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Section 3 of the Act entitled the Central
4 Intelligence Agency Act of 1949, approved June 20, 1949,
5 as amended (63 Stat. 208, 50 U. S. C. 403a) (hereinafter
6 referred to as "such Act"), is amended to read as follows:

7 "(a) In the performance of its functions, the Central
8 Intelligence Agency is authorized to exercise the authorities
9 contained in sections 2 (c), 5, 6, 7, and 10 of the Armed

84TH CONGRESS
2D SESSION

H. R. 10682

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 1956

Mr. VINSON introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Central Intelligence Agency Act of 1949, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Section 3 of the Act entitled the Central
4 Intelligence Agency Act of 1949," approved June 20, 1949,
5 as amended (63 Stat. 208, 50 U. S. C. 403a) (herein-
6 after referred to as "such Act"), is amended to read as
7 follows:

8 "(a) In the performance of its function, the Central
9 Intelligence Agency is authorized to exercise the author-
10 ities contained in sections 2 (c), 5, 6, 7, and 10 of the
11 Armed Services Procurement Act of 1947, approved Feb-

1 of 3 p.

83^D CONGRESS
1ST SESSION

S. 1110

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1953

Referred to the Committee on Armed Services

AN ACT

To authorize the appointment of a Deputy Director of Central Intelligence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President is authorized to appoint, by and with the
4 advice and consent of the Senate, a Deputy Director of
5 Central Intelligence, from among individuals in civilian life
6 or commissioned officers of the armed services, whether in an
7 active or retired status, who shall receive compensation at
8 the rate established for such position. The Deputy Director
9 of Central Intelligence shall perform such duties and exercise
10 such powers as shall be prescribed by the Director of Central

Calendar No. 80

83^d CONGRESS
1ST SESSION

S. 1110

[Report No. 82]

1 of 3 p.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 1953

Mr. SALTONSTALL (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

MARCH 13, 1953

Reported by Mrs. SMITH of Maine (for Mr. SALTONSTALL), with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To authorize the appointment of a Deputy Director of Central Intelligence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President is authorized to appoint, *by and with the*
4 *advice and consent of the Senate,* a Deputy Director of
5 Central Intelligence, from among individuals in civilian life
6 or commissioned officers of the armed services, *whether in an*
7 *active or retired status,* who shall receive compensation at
8 the rate established for such position. The Deputy Director
9 of Central Intelligence shall perform such duties and exercise
10 such powers as shall be prescribed by the Director of Central

Union Calendar No. 56

88^d CONGRESS
1ST SESSION

S. 1110

[Report No. 219]

1-6 P.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1953

Referred to the Committee on Armed Services

MARCH 30, 1953

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

To authorize the appointment of a Deputy Director of Central
Intelligence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President is authorized to appoint, by and with the
4 advice and consent of the Senate, a Deputy Director of
5 Central Intelligence, from among individuals in civilian life
6 or commissioned officers of the armed services, whether in an
7 active or retired status, who shall receive compensation at
8 the rate established for such position. The Deputy Director
9 of Central Intelligence shall perform such duties and exercise
10 such powers as shall be prescribed by the Director of Central

1 of 4 P.

83RD CONGRESS
1ST SESSION

H. R. 4224

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1953

Mr. SHORT introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the National Security Act of 1947 to authorize the appointment of a Deputy Director of Central Intelligence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsections (a) and (b) of section 102 of the National
4 Security Act of 1947, as amended, is amended to read as
5 follows:

6 "SEC. 102. (a) There is hereby established under the
7 National Security Council a Central Intelligence Agency
8 with a Director of Central Intelligence who shall be the
9 head thereof, and with a Deputy Director of Central Intelli-
10 gence Approved For Release 2002/10/10 : CIA-RDP90-00610R000100240015-5

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A BILL

To provide for the administration of the Central Intelligence Agency, established pursuant to Section 102, National Security Act of 1947, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

DEFINITIONS

SECTION 1. That when used in this Act, the term

- (a) "Agency" means the Central Intelligence Agency;
- (b) "Director" means the Director of Central Intelligence;
- (c) "Government agency" means any executive department, commission, council, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the government; and
- (d) "Continental United States" means the States and the District of Columbia.

SEPARABILITY OF PROVISIONS

SECTION 8. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SECTION 9. This Act may be cited as "The Central Intelligence Agency Act of 1949".

81ST CONGRESS
2^D SESSION

H. R. 8547

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1950

Mr. SASSCER introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To repeal section 9 of the Central Intelligence Agency Act of 1949.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 9 of the Central Intelligence Agency Act of
- 4 1949 (Act of June 20, 1949, ch. 227, sec. 9, 63 Stat. 212)
- 5 is hereby repealed.

Calendar No. 1943

81ST CONGRESS
2D SESSION

S. 3875

[Report No. 1940]

IN THE SENATE OF THE UNITED STATES

JULY 6 (legislative day, JULY 1), 1950

Mr. CAIN, from the Committee on Armed Services, reported the following bill;
which was read twice and ordered to be placed on the calendar

A BILL

To amend section 9 of the Central Intelligence Agency Act
of 1949.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 9 of the Central Intelligence Agency Act of
4 1949 (Act of June 20, 1949, ch. 227, sec. 9, 63 Stat. 212).
5 is hereby amended by deleting the figure "\$10,000" and
6 substituting in lieu thereof the figure "\$13,100".

1 of 3 p.

87TH CONGRESS
2D SESSION

H. R. 12923

IN THE HOUSE OF REPRESENTATIVES

AUGUST 16, 1962

Mr. VINSON introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Central Intelligence Agency Act of 1949, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Central Intelligence
4 Agency Act Amendments of 1962".

5 SEC. 2. Section 4 of the Central Intelligence Agency
6 Act of 1949, as amended, and the heading thereto is amended
7 to read as follows:

8 "OFFICER AND EMPLOYEE ALLOWANCES AND BENEFITS

9 "SEC. 4. In the performance of the functions of the
10 Central Intelligence Agency, the Director is authorized--

11 "(a) to adopt or apply to officers and employees of

81ST CONGRESS
2^D SESSION

Calendar No. 1943

S. 3875

[Report No. 1940]

IN THE SENATE OF THE UNITED STATES

JULY 6 (legislative day, JULY 1), 1950

Mr. CALN, from the Committee on Armed Services, reported the following bill;
which was read twice and ordered to be placed on the calendar

A BILL

To amend section 9 of the Central Intelligence Agency Act
of 1949.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 9 of the Central Intelligence Agency Act of
4 1949 (Act of June 20, 1949, ch. 227, sec. 9, 63 Stat. 212)
5 is hereby amended by deleting the figure "\$10,000" and
6 substituting in lieu thereof the figure "\$13,100".

[No. 204]

FULL COMMITTEE HEARING ON S. 3446, S. 3875, H. R. 9262

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D. C., Tuesday, August 1, 1950.

The committee met at 10 a. m., Hon. Carl Vinson, (chairman) presiding.

The CHAIRMAN. Let the committee come to order.

S. 3446

This is a regular Tuesday morning meeting.

The first bill I want to call up this morning is Senate bill 3446, to authorize the restoration of Edwin M. Rosenberg, lieutenant commander, retired, to the active list of the United States Navy.

(S. 3446 is as follows:)

[S. 3446, 81st Cong., 2d sess.]

AN ACT To authorize the restoration of Edwin M. Rosenberg, lieutenant commander, retired, to the active list of the United States Navy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to appoint Edwin M. Rosenberg, now an officer on the retired list of the United States Navy, an officer on the active list of the line of the United States Navy with the permanent rank of lieutenant commander and with the date of rank of October 3, 1945. Upon such appointment the said Edwin M. Rosenberg shall be given the same precedence on the lineal list of officers of the United States Navy to which he would have been entitled had he not been placed on the retired list of officers of the United States Navy.

Passed the Senate July 26 (legislative day, July 20), 1950.

Attest:

LESLIE L. BIFFLE, *Secretary.*

The CHAIRMAN. Was this bill recommended by the Department?

Mr. HARPER. The Department interposed no objection to it.

Mr. SHORT. What happened?

Mr. CLEMENTE. What is the basis of this legislation?

The CHAIRMAN. Is the commander here?

Commander ROSENBERG. Yes, sir.

The CHAIRMAN. Come around, sir.

Now, I read in the paper about this bill. And you called in the office to ask for a hearing on it. Instead of referring it to a subcommittee, I thought it would be wise for the full committee to hear it.

Now, tell the committee why you were retired on October 3, 1945.

Commander ROSENBERG. That date is not correct, sir. I was retired on the 1st of March 1947, because I had had cancer and the medical department of the Navy felt that my statistical chances of complete recovery were pretty slight at the time. They said that they were required to retire me for that reason.

The CHAIRMAN. Then you were retired in 1947?

Commander ROSENBERG. That is correct.

[No. 204]

FULL COMMITTEE HEARING ON S. 3446, S. 3875, H. R. 9262

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D. C., Tuesday, August 1, 1950.

The committee met at 10 a. m., Hon. Carl Vinson, (chairman) presiding.

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S. 3446

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(S. 3446 is as follows:)

[S. 3446, 81st Cong., 2d sess.]

AN ACT To authorize the restoration of Edwin M. Rosenberg, lieutenant commander, retired, to the active list of the United States Navy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to appoint Edwin M. Rosenberg, now an officer on the retired list of the United States Navy, an officer on the active list of the line of the United States Navy with the permanent rank of lieutenant commander and with the date of rank of October 3, 1945. Upon such appointment the said Edwin M. Rosenberg shall be given the same precedence on the lineal list of officers of the United States Navy to which he would have been entitled had he not been placed on the retired list of officers of the United States Navy.

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Commander ROSENBERG. Yes, sir.

The CHAIRMAN. Come around, sir.

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The CHAIRMAN. Then you were retired in 1947?

Commander ROSENBERG. That is correct.

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Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 2767) to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, before commencing debate on the rule, I wish to make a unanimous consent request. After discussion with the managers of the bill, both on the majority and on the minority side, and the leadership on both sides, I ask unanimous consent that on page 1, line 9, after the words "not to exceed" the words "one hour" be stricken and the words "two hours" be inserted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I would like to add that the minority agrees with that request and supports the request of the gentleman from Missouri.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was amended accordingly.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 514 makes in order the consideration of the bill H. R. 2767, to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

Mr. Speaker, under the unanimous-consent agreement which has just been entered into, the rule, which is an open rule, provides for 2 hours of general debate.

The section which the bill proposes to amend is as follows:

The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

The amendment provides that "This section does not authorize the withholding of information from the public or limiting the availability of records to the public."

Before the Rules Committee there was no controversy over the rule. With the change in time just agreed to, I gather there is no controversy about the adoption of the rule now, and I therefore reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BROWN] is recognized.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may require.

As the gentleman from Missouri [Mr. BOLLING] has so ably stated, this resolution would make in order H. R. 2767, a bill to amend one of the oldest statutes on our Federal books. It is a bill in which the press of the Nation has been greatly interested for many years. The legislation has the support of such organizations as the national journalistic fraternity, Sigma Delta Chi, and practically every newspaper and magazine publisher and reporter in the United States. It is called the freedom-of-information bill, or amendment.

The bill was reported unanimously by the House Committee on Government Operations, although there were filed with the report by 2 individuals additional views; 1 by the gentleman from Michigan [Mr. HOFFMAN], who will speak on the bill, and the other by the gentleman from Michigan [Mr. MEADEN], who will also speak on the measure.

What this bill does is to amend Revised Statute 161, which was adopted in the first session of the First Congress of the United States back in 1789 as a housekeeping provision. I want to read the original law:

The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

That is the original statute which has been on the books since the creation of this Government. It appears this section has been used too often by too many Government departments, agencies, and officials as an excuse for withholding information from the general public. So, an amendment to that section has been proposed. It is a very simple amendment, a 1-line amendment, which will add this 1 sentence:

This section does not authorize the withholding of information from the public or limiting the availability of records to the public.

That simply means that the public and the press may have access to the ordinary records of the average department and agency of the Federal Government; the right to know, in other words, the right to learn what is going on. I must point out that this amendment does in any way affect some 78 separate statutes, which do provide for the secrecy of many Government records, such as income tax returns, and other similar records.

I do not believe the amendment interferes in any way with the long-established custom which has lasted for many years, since Washington's time perhaps, whereby the President can, in the public interest, or as a matter of national security, refuse to divulge certain information, or to permit those in the executive branch of the Government to make available to the public information which in his judgment he believes would be detrimental to the welfare of this country.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. HYDE. In view of what the gentleman has just said with respect to the laws which it does not repeal, and I also gather from the reading of the report and the hearings that it is not the intention to reveal such things as income tax returns, FBI files, or things like that and other matters of security, would it not be better to spell that out by simply adding to what you have here in the amendment the language "where not inconsistent with law", so it cannot be used as an excuse by some officials for giving out information which they should not give out?

Mr. BROWN of Ohio. Let me continue and explain that, if I may, to the gentleman.

It is the opinion of our committee—certainly it is my opinion and my interpretation of this amendment, that it would still be a violation of law for any agency of Government or any Government official to make public any of the records for which secrecy is provided by any of some 78 separate statutes.

It would also, in my opinion, in no way affect the right of the President, which he at least exerts, and which the Attorney General claims he has, and over which there has been a great dispute with Congress at times, as to his right to withhold information from the public or from legislative bodies. It is my understanding the gentlemen from Michigan, both Mr. MEADEN and Mr. HOFFMAN, will present amendments to clarify this amendment so as to make definite just exactly what the statute will do, as the gentleman from Maryland has suggested.

As far as I am concerned, and I think as far as the members of the committee are concerned, if any clarifying amendment can be prepared that will further protect the proper interests of the United States in security cases and other matters, where it is the desire of the Congress, or under the statutory laws that grant and permit secrecy, such amendments will be acceptable. I know that members of the press, representatives of the various press organizations of the country, have testified they in no way want to use this new amendment to the law to obtain any information that would in any way be injurious to the United States. So, in respect to both these gentlemen, who have given great study to this problem, that I hope they will have amendments worthy of the consideration of this

April 16

5882

Government. It is one of the "Big Three."

Does a judge presiding over a trial have a right to ask a jury, "How did you fellows arrive at that verdict?" I guess not. They are a part of the judicial department of this Government.

And so it goes on down the list.

The taxpayers' money. Does the Congress ever tell the taxpayers how their money is spent?

The people's right to know. We have a statute which expressly states that the records of our committees belong to the people, they are public records. The statute states that every Member of the House has the right of access—get that word—"access"—to those records, but when I went to the chairman of a subcommittee of the Committee on Government Operations and under my arm I have my little Thermo-Fax or whatever this picture-taking thing about that size is, and I say, "Let me make a copy of that paper," the chairman says, "No; you cannot use it." But the decisions are to the effect that the right to see, to access, includes the right to copy.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. MOSS. The gentleman was not referring to the chairman of the Special Subcommittee on Government Information.

Mr. HOFFMAN. No, no, no; oh, no; I love the gentlemen on that subcommittee and I admire them, as much as there can be admiration, of the way you have handled this matter. If any man ever got more political mileage out of an issue than has the gentleman from California [Mr. Moss] has out of this one, I do not know who he is. For almost three years he has been on the front page every day. More power to you. I only wish I had it. That is not using public funds for political purposes. Do not misunderstand me. That is just trying to get the people the things they desire.

Oh, yes; what happened when they would not let me make a copy of a record which the law said I was entitled to have access to? The Speaker sitting in the speaker's chair—presiding—sustained the ruling of the chairman of the subcommittee—but read the ruling as given in my earlier remarks. That was funny, was it not? It would be, if it were not so absurd.

The east front door dim-out over here. Remember how it was all secret? Our minority leader wanted to let the people in on it, but he was overruled and the door was slammed.

The President's reorganization plan was referred to a committee. That meeting was secret.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman's time has expired.

Mr. MOSS. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Chairman, apparently we are all in a hurry. Legislation is needed and is long overdue. I say that it does not go far enough prob-

ably, but it is certainly a step in the right direction.

For too long, I think, the various agencies of this Government have denied information not to all Members of Congress, but to some Members, and I think it is high time that the Congress of the United States took such action as it thinks is necessary to inform the people or allow the news media of this country to inform the people of what goes on here in Washington.

Many times these agencies—and the gentleman from Michigan just said he did not know just what this legislation was for except to get more information for the papers, that it would not do anything to assist Members of Congress and the public in obtaining information; I have been denied, as I am sure many Members of Congress have, information not of a highly secret nature, but I think perhaps to cover up some of the faults of the agencies involved, and I think it is about time that the people of this country and the Congress took such measures as are necessary to allow the news media and the Members of Congress to inform the people of what is going on here in Washington in some of these agencies.

Mr. MOSS. Mr. Chairman, I yield such time as he may desire to the gentleman from Connecticut [Mr. MAY].

(Mr. MAY asked and was given permission to revise and extend his remarks.)

Mr. MAY. Mr. Chairman, as a member of the Government Operations Committee, I wish to signify at this time my support of the intent of this legislation. We in Connecticut have recognized the right to know by enacting State statute supporting a similar intent. My Government Operations Committee is taking a similar step in urging Congress to adopt this legislation. I believe it is important that the public be allowed to more easily obtain information that they are truly eligible to receive. Secret, security-type information and other information realistically classified for the protection of the public and their Government is, of course, still protected by 79 other statutes.

However, I feel we should pass this legislation. The true intent must be understood. If so, we will have cleared the air on a subject that is vital to our freedom as expressed in the Constitution.

Mr. MOSS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I think it well to have the record made completely straight on some of the debate that has gone on here this afternoon. It has been interesting in many cases and enlightening but hardly germane to the issue before the Committee at this moment.

First, let me assure you this has been carefully studied. The drafts were first prepared almost 2 years ago. They have been more broadly submitted for comment than almost any legislation with which I have ever personally dealt. We realized that this was a difficult area, that we should move with extreme care. The judgment of the committee this is a proper approach. It is one which clari-

fies but does not cripple, it opens the doors that should not be opened; it merely requires that the agencies in asserting a right to withhold information seek proper authority.

This was never intended as a withholding statute. It has been twisted, and, as the Attorney General himself stated, "incorrectly cited."

We merely want to clarify the record. We are not going to upset any secrets, we are not going to cripple this Government. I repeat it is an important, but nonetheless timid, first step.

The committee has sought broadly the advice of attorneys within and without the Government. I might add that the representatives of the press who appeared before the committee are certainly in the minority of witnesses. We have had broad hearings with representatives of science, from industry, from Government and educational institutions. We have overlooked no opportunity to get advice and comment. We have not tried to sell any special cause or any one interest. We have merely tried to define the law as it is to determine whether or not it was being abused, and the evidence of abuse is abundant. I do not think the legislation requires amendment, and I think it will be to the credit of this House to pass it today.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MOSS. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. ASHLEY].

Mr. ASHLEY. Mr. Chairman, I rise in support of H. R. 2767. The urgent necessity for enacting this legislation has become increasingly clear in recent years and for compelling reasons.

The strength of any democratic nation can be measured by the extent to which a self-governing public is accurately informed. The democratic process is essentially an educational process in which enlightened people grow through participation in our Nation's decisions. But people cannot participate in decisions—at least not intelligently—unless they know the facts.

The first condition then, of a successful democracy is an informed people and it is an indispensable and irreplaceable part of the Presidential responsibility to make sure the people have the facts no matter how grim and sobering these facts may be.

Despite this indisputable premise, we have witnessed in recent years a deliberate erosion of the basic right of the American people to know—the right of the American people to free access and distribution of factual information.

It is ironic indeed that the very persons whose election to public office reflects an expression of the public's confidence and trust, have seen fit to betray that trust by suppressing and withholding vital information from the very people who elected them to office.

Nothing, in my opinion, has injured us more or struck so deep at the heart of our democracy as this abuse of the people's right to know. The recent record of systematic misrepresentation, concealment, and half-truths has no precedent in American history. It has channeled

to get clear in my own mind. I would like to know precisely what is changed by the bill itself; what would be different as a result of its enactment?

In the second place, I would like to know whether this bill, if enacted, would compel the disclosure of information which now may be withheld and which the head of a department is now not compelled to disclose?

If the answer to that question is that there is nothing additional that would be compelled to be disclosed, then I would like to know precisely what is the purpose, what is the import and what is the effect of the enactment of this bill?

I would like to know, also, if this bill is enacted whether it does compel the disclosure of information not now required, and if so, within what limit that compulsion extends? And I would like to know in whom would be vested the authority and under what limitations that authority could be exercised to set the limits on what must be disclosed.

These, it seems to me, are pertinent questions and at an appropriate time in this debate, in spite of the efforts to limit the right of Members of Congress to know about this bill itself, I intend to ask those questions under circumstances that will give the sponsors of this bill an opportunity to answer them.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. JOHANSEN] has expired.

The Chair recognizes the gentleman from Texas [Mr. ALGER].

Mr. ALGER. Mr. Chairman, I take this time again to ask further questions. I realize how complicated this subject is. Members of the committee have had an opportunity to study it and may have answers to questions that puzzle other Members. It seems odd, indeed, that our time is cut off, I might say to the gentleman from California, the Chairman of the subcommittee, on a bill that has to do with secrecy, when we are trying to get information.

I have two questions. First, inasmuch as the gentleman pointed out to us the language at the bottom of page 12, the language of the final paragraph, there seems to be a conflict as to its meaning. How we are going to limit this bill to apply only to section 161. That is my first question.

My second question is, could it be that we are giving Communists an opportunity to get into our committees, people who are dedicated to getting information that they should not get?

Mr. MOSS. In the first place, if it is something that is of interest to the Communists, and that information is classified, there is an abundance of law protecting that and the language of the bill does not affect that. The reason we know that we are dealing with this section is because the language of the amendment which relates to section 161 of the Revised Statutes says that this section does not authorize withholding. And to make that abundantly clear, in the report we say that the application of this amendment is limited to Revised Statutes 161, Section 5, U. S. C. 22 and should not be construed as repealing or amending any other statute which

may authorize the withholding, restricting, or limiting of the availability of information or records to the public. We know it because it is very precisely and very carefully spelled out both in the language of the amendment and the language of the report.

Mr. ALGER. I simply must say to the gentleman that the forcefulness of the language in the report is not so clearly stated in the bill.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ALGER] has expired. The Chair recognizes the gentleman from California [Mr. MOSS] to close the debate.

Mr. MOSS. Mr. Chairman, I want to assure the members of the committee that there is no ulterior motive on my part in moving to close the debate. I rarely have been accused of that.

As to the matter of shutting off the debate, it was agreed by the majority and minority that we would seek a one-hour rule. When it was indicated by the ranking member of the subcommittee that he would desire an additional hour, I was perfectly willing to go along with him and get him the extra hour. I wanted this debate.

The bill has been debated at considerable length. I was prepared to respond to questions. I yielded back time during general debate that was not required for the debate. I think that the attempt to arrive at an agreement on time is neither unusual nor out of place.

I think that this amendment, again, would confuse rather than clarify.

I do not think it would do what its author intends it to do. The language of the bill, in my judgment, is still clear, is still adequate to do the job. I repeat, there are no ulterior motives. This record is very clear. We have laid out in detail the intent. It is only to prevent the misuse of this section for purposes of withholding information.

Mr. Chairman, I ask for a "no" vote on the amendment.

Mr. JOHANSEN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. JOHANSEN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. JOHANSEN. Mr. Chairman, I take this time in order to pursue the questions which I raised in the 2 minutes which I had. There is no intention of attributing any ulterior motives. I came back from my district this morning in order to be present for the debate because of my serious uncertainty as to the merits, the pros and cons, of this issue. I should like to repeat to the gentleman from California in all good faith and sincerity the questions which I raised. I should like to know precisely what is changed. In other words, in particular, what restrictions are placed upon the power of the department heads to issue regulations governing either the giving or the withholding of information? I am completely at a loss to know what is restrained and what is permitted under this bill.

Mr. MOSS. The amendment proposed by the committee restores the intent of

the Congress that this be the statute upon which the head of a department shall rely for the formulation of rules and regulations governing the custody, use, and preservation of the records of the department. The reason the language is added that it is not authority for withholding is that in 3 years of careful study we have found far too many instances where executive departments have relied upon this statute as a clear authority to refuse information to the public or to the Congress itself.

Mr. JOHANSEN. May I interrupt the gentleman at this point, because I think in my own mind I now have the nub of the issue. If this bill were adopted, what discretionary authority does the department head have to withhold information where it is not specifically provided by law that he must withhold information? Is there surviving with the adoption of this bill a discretionary authority in the department head to withhold information?

Mr. MOSS. I want to be very careful on this language because the gentleman is asking me if there is an inherent authority, as has been claimed by every Executive from Washington to Eisenhower. I would say that if there is such authority, if there is that inherent power, it is not affected by this change in this statute. But I will not concede that the broad and naked purpose claimed does exist in that. I want that very clear in my response. If it exists it is not affected.

Mr. JOHANSEN. But the gentleman does not concede that it exists?

Mr. MOSS. I would never concede that it does exist as broadly as is claimed.

Mr. JOHANSEN. Then let me phrase the question in this way. What protection does the department head have with respect to his sense of responsibility to his office when in his honest judgment it is imperative that information be withheld, and yet when there is no bestowal of the authority by specific statute so to withhold information?

Mr. MOSS. There are 78 other statutory grants of authority to withhold. There are provisions of the administrative procedures code which permit withholding for good cause found to be in the public interest and for a variety of reasons. We just do not want this statute to be cited. It is cited too often and it does not give the authority. It was not intended to give authority in this respect. They have abundant authority otherwise.

Mr. JOHANSEN. Of course, I will say to the gentleman the question whether this was intended to give that authority may be a subject of honest dispute and it may be a point at issue. But, my concern is why, if there have been specific abuses of this statute, we cannot in proper legislation address ourselves to those specific abuses or categories of abuses rather than seeming by this section to blanket out totally any authority under the statute.

Mr. MOSS. One of the main reasons for taking this as a first step is to get them back to relating their claims of authority to the appropriate statutes and

on the other hand we would be saying, "But, of course, you may." I think we should say one thing or the other very, very clearly and very definitely. It is my judgment that what we need to say is exactly what is said in the bill now before us.

I urge the defeat of the amendment.

Mr. VORYS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe that the Hoffman amendment is the way to carry out what the gentleman from California [Mr. Moss] says this bill intends. If it is intended not to grant or withhold any new authority by this housekeeping statute, then the Hoffman amendment so provides.

As to the right of the people and the Congress to know, we often have instances before the Committee on Foreign Affairs where some member of the committee or the committee itself may feel that there is overclassification, too much secrecy on information that we seek. I have been exasperated and baffled as often as any Member in this twilight zone where security is claimed to be involved.

But it is claimed by the proponents of this bill that it does not purport or pretend to solve such real problems, which I believe can be solved only by negotiation or by impeachment, and negotiation, with constant pressure, is the proper way.

This bill, as written, either is nuisance legislation or it does not mean what it says.

For instance, the gentleman from California [Mr. Moss], says that "We merely want to provide that this section 161 cannot be used to withhold information." He did not say a word about the following words in the bill—"limiting the availability of records to the public." So that if you are only going to put in what he says, you are going to prohibit the withholding of information, but you are not going to prohibit any limitation on the availability of public records. But that is not the way the bill reads. By enacting this bill as proposed, you pose such questions as these, in providing unlimited public access to records. What about office files? What about desk drawers? What about going in day and night? What about going in during the noon hour? Can the head of a department make any regulations limiting public availability in any way or at any time if this bill passes in its present form?

In the original part of section 161, there is provided authority to make regulations for custody, use and preservation of records, papers and property. If that cannot be used to limit the availability of records to the public at any time, and regardless of circumstances, then the public would have the right to those files and desks any old time, day or night. How could you run an office under such conditions? And if you say that is not what the bill provides, you are merely saying that this bill does not mean what it says. The Hoffman amendment provides that this bill will then mean just what its proponents say it means; that is, take out the possibility that it will be used one way or another in this longstanding

the public can best maintain the right to know about the public business.

I support the Hoffman amendment.

Mr. MEADER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is an alternate method of trying to get at the same thing that my amendment proposes but doing it in a somewhat different way.

During the debate in committee, suggestions were made by several of the members of the committee. Unfortunately the gentleman from California, the author of the bill, was not present, and we could not arrive at any agreement. I, at that time, suggested arriving at the same result by saying that this section does not authorize or prohibit withholding information, and I was roundly condemned in the press for trying to scuttle the bill.

As a matter of fact, I was not trying to scuttle the bill, I was trying to do exactly what the author of the bill said it was supposed to do, which was to eliminate section 161 as a basis for refusing information to the public. It was not intended or at least the bill was not presented to the committee as giving any rights to the public. All the bill was supposed to do was to take away from public officials a crutch they had been using up to this time wrongfully, in the opinion of the committee. That is exactly what the Hoffman amendment would do and that is exactly what my amendment would do, that is, say that section 161 just has nothing to do with secrecy or withholding information from the public one way or the other. It would not vitiate the purpose of the bill as it has been presented to the committee and been presented to the House this afternoon, namely, that we just wanted to prevent a practice which has grown up of misusing and misinterpreting section 161 of the Revised Statutes.

I think the amendment ought to be adopted and we ought not to rely on debate, particularly when in the debate the author of the bill says this would prevent the accomplishment of the purpose of the bill. Then it must be that the purpose of the bill is to give the public the right to get information, notwithstanding other statutes that may be on the books.

I think there has been too much confusion here. We ought to write into the bill clear language. I think my language is a little bit better, but I am going to support the amendment offered by the gentleman from Michigan [Mr. Hoffman].

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if any confusion has been brought about it has been brought about by the attempt to put amendments on this bill. The very language of the amendment now before the Committee in itself raises a great many questions dealing with the power and the prerogatives of the head of the department, which is the very thing the proponents of the amendment say they do not wish to affect in any way, because the amendment raises a presupposition

of the department shall not have the right to issue information.

The only correct interpretation of the existing law is that the head of the department, by Congress, has been given the right to prescribe rules and regulations dealing with the custody, use, and preservation of the records. Then to combat the evidence that that statute has been used as authority to withhold the information you state by this bill that this section amended hereby shall not be used as authority to withhold information. But if you adopt the proviso in the amendments which are suggested, you raise the contrary presumption, that he shall not have the right to make the information and records available. This is why the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. Hoffman].

The amendment was rejected.

Mr. MEADER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER. Strike out "by" in line 4 and all that follows down through the end of line 7 and insert in lieu thereof the following: "by striking out the period at the end of the section and inserting in lieu thereof a colon and the following: 'Provided, That no regulation shall be prescribed under this section authorizing or directing the withholding of information from the public or limiting the availability of records to the public.'"

Mr. MEADER. Mr. Chairman, I have discussed this amendment at some length in general debate and I do not propose again to go into detail on the advantages of using this language to accomplish the objective of the Moss bill.

I do, however, want to suggest one additional reason, if any should be necessary, why we should use the clearest language we can find. I think we should use clear language on its own merits. But, if this language could be interpreted the way I have suggested as affecting more than section 161, there would be an additional reason for a veto of this legislation.

I might say that the impression has been given here by reference to testimony of the Attorney General before the other body that the Attorney General is not opposed to this legislation. I might say for the information of the membership that the Attorney General has blown both hot and cold on this issue. It appeared that apparently he had no done his homework very well the first time he appeared before the Senate committee, and he got the proposed legislation mixed up with executive privilege, which he thinks is a great thing and which I do not think exists. He said he did not care whether we passed this law or the companion Senate measure so long as it was made clear that it did not interfere with executive privilege.

Mr. HOFFMAN. Mr. Chairman will the gentleman yield?

Mr. MEADER. I yield.

Mr. HOFFMAN. Was he not also counsel for the Truman Committee where I understand there was a little bit of a difference of opinion but did he not

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Mr. HYDE. Mr. Chairman, my amendment would make the present bill read this way, starting with the new language on line 5:

This section does not authorize withholding information and records from the public in a manner not inconsistent with law.

The purpose of the amendment is twofold: first, to clear up what many of us see as an ambiguity in the present language; and, second, as to the purpose to be accomplished by this bill, to express the intent of the committee exactly as the committee has expressed it.

The ambiguity is this: In the present language the last phrase reads, "or limiting the availability of records to the public."

Many of us fear that if the head of a department under the present language of the law attempts to adopt regulations that he will still be permitted to do, and those regulations in any way limit the availability of the records, then his regulations would be declared invalid.

The committee says that is not what it intends to do. The committee says it does not intend in any way to change the present law; it simply wants to make clear that records and information shall be available.

So instead of saying "limiting the availability of records," I suggest that we say "This section does not authorize the withholding of information and records."

That is the way I propose to clear up what many of us see as an ambiguity. Then to express the intent: the committee says this, namely, not to affect any other law on the books with respect to information which is restricted, add, after the word "public" the words "in a manner not inconsistent with law."

The committee says that is what it wants to do, but I have some fear in view of many court decisions, of leaving the question up in the air as to what Congress intends to do. We will pass a piece of legislation and say there is not going to be any question about this, this is exactly what we intend to do, and then we find that the courts do not agree with our understanding of intent. I am not questioning the right of the courts to their own interpretation, but if we intend not to do anything that will affect the present law with respect to security, with respect to FBI files, with respect to income tax records, and all those things, if we intend not to disturb those laws, let us say so and not leave it up to interpretation by the courts; because we have found, no matter how much we express our intent in committee, in reports, or on the floor of the House, or even where it is expressed in the law itself, that the court may or may not follow the report and the CONGRESSIONAL RECORD; so I submit, Mr. Chairman, that all my amendment does—and I want to reemphasize the fact that I am in complete sympathy with what the committee is attempting to do here—all my amendment does is to clear up an ambiguity and to express in unmistakable language the intent which the gentleman from California and the gentleman from Florida have said repeatedly on the floor this

have, to put it in language which cannot be mistaken.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. MEADER. It may be very clear to the gentleman, but he has so many double negatives in his amendment that I think he could cut out a couple and come up with the same result.

Mr. HYDE. I will read it again to the gentleman and I am sure when the gentleman hears it, it will be clear to him:

This language does not authorize withholding of information and records in any manner not inconsistent with law.

That seems to be simple language and also repeats some of the same language that is already in the section. The first sentence of the section authorizes the head of the department to prescribe regulations not inconsistent with law. My amendment simply says that it does not authorize him to withhold information and it also says that is not to be inconsistent with law.

Mr. MEADER. Would it not be the same if the gentleman took out the word "not," and "in—" in the phrase "not inconsistent" and say "in a manner consistent with law"?

Mr. HYDE. If the gentleman is trying to confuse my amendment he is doing a good job, at least with himself, it is obvious.

Mr. MOSS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 6 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. CURTIS of Missouri. Mr. Chairman, I object.

Mr. MOSS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. JOHANSEN. Mr. Chairman, I object.

Mr. MOSS. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The question was taken; and on a division (demanded by Mr. JOHANSEN) there were—ayes 57, noes 32.

Mr. JOHANSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Moss and Mr. HOFFMAN.

The committee again divided and the tellers reported that there were—ayes 64, noes 48.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. CURTIS).

Mr. CURTIS of Missouri. Mr. Chairman, I regret that the debate was cut off on this amendment giving all those wishing to speak 10 minutes' time. It regrettably shows illiberality on the part of the people who are trying to run this piece of legislation through. Incident-

pose of this bill. But I was very much interested in the fact that when I took the time to ask questions about it, in spite of the fact that the chairman of the committee, the gentleman from California (Mr. Moss) said that this thing had been carefully considered, when I asked the simple question what the added feature was of limiting the availability of records and whether that would not be covered by the language "withholding information," there was no answer from the side other than that they were afraid the word "information" would not include "records." And, that was the extent of it. If it was considered as carefully as the gentleman from California said it was, then obviously there is an ulterior motive or hidden motive in using the language "limiting the availability of records," because that is going to limit the housekeeping ability of the department in making available. I may say, the information that might be in the hands of the executive department I think the amendment offered by the gentleman from Maryland is a good, constructive amendment and will help this legislation and accomplish the very purpose which the members of the committee say they are trying to accomplish. I hope the Members will vote for it.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, the proposed amendment by the gentleman from Maryland (Mr. Hyde) would make the bill read "this section does not authorize withholding of records." Now, if that does not impinge upon the very authority of the head of the department, who is given the authority under this act, I have not read the English language correctly with respect to that section. The amendment itself then does exactly what the proponent of the amendment is seeking to avoid, to impinge upon the right of the head of the department to pass or promulgate a reasonable regulation. The other portion of the proposed amendment says "in a manner not inconsistent with law." If you put that into the bill, it will be the second time in the same section that you say that this section shall not give a department head the right to promulgate regulations not inconsistent with law. How many times do you want to say it before you believe it? A dozen?

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. JOHANSEN).

Mr. JOHANSEN. Mr. Chairman, it seems to me we have here a very striking illustration of the need to assert and claim the right to know. I am speaking only for myself, but there is a great deal that I feel that I have a right and a duty to know with respect to this proposed legislation, and the successful effort of the proponents of this bill to cut off debate and the right to inquire and the right to know certainly raises a question as to just how broad and extensive the concern is over the right even of the Members of the Congress to know.

There are a number of things I would have not been able

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who has spoken so forcefully for the legislation before us today will give my bill or its counterpart the same enthusiastic support.

We today are criticizing executive agencies for withholding information about their operations from the public. Yet we condone a situation in Congress that not only prevents the people from knowing how a portion of their money is being spent but as a matter of fact keeps these expenditures from the eyes of Congress itself.

Mr. Chairman, this is a deplorable situation and is bringing disrepute on this body. I hope we can correct this defect in our zeal to see that the public obtains the information it needs to promote and perpetuate our type of government.

Mr. RAY. Mr. Chairman, H. R. 2767 strikes me as bad legislation. It would amend an old statute which entrusted departmental files to the heads of those departments subject to regulations prescribed by those officials. H. R. 2767 would add one sentence: "This section does not authorize withholding information from the public or limiting the availability of records to the public."

That language requires that some one decide the question of fact as to whether or not there has been a withholding of information or action limiting the availability of records to the public. Who is to decide that question?

Clearly that decision cannot be entrusted to individuals who want information. If the decision is to rest with the head of the department, the proposed amendment neither adds to nor changes existing practices. The head of the department now makes those decisions.

In my judgment we should not attempt to change and limit existing departmental authority unless we can prescribe definitely what Congress intends. The proposed amendment does not do that and, therefore, I must vote against H. R. 2767 if it comes to a vote in its present form.

I think the bill should be referred back to the committee for further study.

Mr. REUSS. Mr. Chairman, in passing H. R. 2767 today the House of Representatives can strike an important blow for freedom of information in the United States Government.

Some persons in the executive branch have converted an ancient and simple record-keeping statute into a general permission for themselves to withhold information from the press and the public simply for the sake of withholding information.

This bill eliminates one refuge of the secrecy-minded bureaucrat, and is therefore a major step in the right direction. The wonder is that this matter was not cleared up by the Congress long ago.

Enactment of H. R. 2767 into law will not end secrecy in Government. Persons in some departments and agencies will continue to withhold information without justification from the public, the press and even Members of Congress. But we will keep after them, too, and eventually stop them.

The argument that a lessening of secrecy is an invitation to the press to go

hog wild rummaging through Government papers is silly. The American press is a responsible press. I should like to quote one paragraph from a letter I recently received from William Huffman, Jr., publisher of the Wisconsin Rapids Daily Tribune in my State, which concisely sets forth the attitude of the press:

Please bear in mind that we are not talking about the freedom of the press to capriciously print or say anything in an attempt to obtain readers or listeners. Rather, we regard this matter of reporting news of governmental operations, at all levels, as an important function in the people's right to know.

I want to compliment the Government Information Subcommittee and especially the chairman, the gentleman from California (Mr. Moss) for fighting vigorously and constantly to expand and strengthen freedom of information. This fight I know will be continued, and will have my full support.

I include in the Record a deserved tribute to JOHN MOSS and his subcommittee in the form of an editorial appearing in the Wisconsin Rapids (Wis.) Daily Tribune on March 3, 1958:

MOSS GROUP WORKS TO LET US KNOW WHAT'S GOING ON

Good friends of the American people are Representative JOHN MOSS, Democrat, of California, and his House Government Information Subcommittee.

Moss, chairman of the subcommittee, has been outstanding in his service to the entire Nation by his hard fight to provide our citizens with information on the Federal Government—information they need and have every right to.

Moss and his subcommittee know United States citizens must receive a free flow of information. This is a must if people are to express their views on how their government is to operate.

But there are hordes of governmental servants in Washington, D. C., who don't see it this way. They hide information or otherwise refuse to reveal it, even when military secrecy is not involved.

Slapping secret labels right and left on information, knowledge of which does not harm national defense, is bad enough. But what is particularly devilish is the way that civilian agencies sit on information that is not even stamped secret.

Post Office Department, Treasury Department, Agriculture Department, Civil Service Commission, General Services Administration, Veterans Administration, as well as Army, Navy and Air Force have all taken advantage of the public's trust in them.

Moss and his subcommittee are not talking through their hats; nor are we. We can give you a list of examples as long as your arm. And the list isn't secret.

To straighten out at least the coverup of nonsecret information, Moss and his House group approved bill H. R. 2767. The bill is now before the full House Government Operations Committee, of which Representative HENRY REUSS, Democrat, of Wisconsin, is a member.

The corrective action the bill would take is so simple it's startling. The background on it is short and interesting:

A Federal housekeeping law was enacted way back in 1789 in the administration of President Washington. This statute authorized department heads of the new government to keep records and set up filing systems.

In the 183 years since, however, the meaning has been twisted by many governmental servants into a claim they can keep the

The pertinent language of the law as it now stands is:

"The head of each department is authorized to prescribe regulations, not inconsistent with law, for . . . the custody, use and preservation of the records, papers, and property appertaining to (the department)."

The bill would add only one sentence to the law:

"This section does not authorize withholding information from the public or limiting the availability of records to the public."

Benefits resulting from passage of the bill would be:

1. Governmental agencies and the public will be notified of Congress' interest in the people's right to know what goes on in Federal Government.
2. Congress will show that it intends to establish the policies determining types of information to be withheld.
3. Department heads and others in Government without authority will not be able to withhold information on their actions and records.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore having assumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 2767) to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records, pursuant to House Resolution 514, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be enroled and read a third time and was read the third time.

Mr. HOFFMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOFFMAN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOFFMAN moves that the bill be re-committed to the Committee on Government Operations with instructions that the committee hold further hearings and as soon as may be convenient report back to the House a bill requesting the executive departments to establish reasonable regulations and procedures which will make available not only to the press, to the Members of Congress, and congressional committees, but to interested individuals, any and all records and information in the possession of or under the control of the executive departments, other than records and information pertaining to state secrets, diplomatic communications, confidential military matters the disclosure of which might give aid to actual or potential enemies, or of such other records as may be determined by due process of law to be of such nature that inspection thereof would be contrary to the public interest.

The SPEAKER pro tempore. The question is on the motion to recommit. The motion was rejected.

The SPEAKER pro tempore. The Clerk will report the motion to recommit of the bill.

The bill was passed.
The bill was passed.
The bill was passed.

Approved For Release 2002/10/10 : CIA-RDP90-00610R000100240015-5

Public Law 253

80TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 1051

54327
NATIONAL SECURITY ACT OF 1947

JULY 24, 1947.—Ordered to be printed

Mr. HOFFMAN, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 758]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 758) to promote the national security by providing for a National Security Organization, which shall be administered by a Secretary of National Security, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Security Organization, and for the coordination of the activities of the National Security Organization with other departments and agencies of the Government concerned with the national security, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947".

TABLE OF CONTENTS

Sec. 2. Declaration of policy.

TITLE I—COORDINATION FOR NATIONAL SECURITY

Sec. 101. National Security Council.

Sec. 102. Central Intelligence Agency.

Sec. 103. National Security Resources Board.

H. Rept. 1051, 80-1—1

LIBRARY COPY

80TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
2d Session } No. 1853

CENTRAL INTELLIGENCE ACT OF 1948

MAY 4, 1948.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHAFER, from the Committee on Armed Services, submitted the following

REPORT

(To accompany H. R. 5871)

The Committee on Armed Services, to whom was referred the bill (H. R. 5871) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendments are as follows:

On page 4, line 3, strike out the word "officials" and insert in lieu thereof the word "officers".

On page 4, line 6, strike out the word "officials" and insert in lieu thereof the word "officers".

On page 4, line 9, after the word "its" add the words "officers and".

On page 5, strike out line 25 and on page 26 strike out lines 1 through 4, inclusive, and substitute in lieu thereof the following:

(2) Order to the continental United States on leave provided for in 5 U. S. C. 30, 30a, 30b, or as such sections may hereafter be amended, every officer and employee of the Agency who is a citizen of the United States, upon completion of two years' continuous service abroad, or as soon as possible thereafter: *Provided*, That such officer or employee has accrued to his credit at the time of such order, annual leave sufficient to carry him in a pay status while in the United States for at least a 30-day period.

On page 6, line 14, strike out the words "sailing or flight" and insert in lieu thereof the word "transportation".

On page 6, line 18, strike out the word "he" and insert in lieu thereof the words "the Agency head".

The purpose of the proposed legislation is to grant to the Central Intelligence Agency the authority necessary for its proper administration. The proposed legislation deals with procurement, travel, allowances and related expenses, general authorities and appropriations.

A Central Intelligence Agency, properly cognizant of the intelligence requirements of the various departments and agencies, is best equipped to handle the dissemination to all departments of the material to meet these requirements.

The complexities of intelligence, the immensities of information available virtually for the asking, are so great that this information must reach a central spot for orderly and efficient dissemination to all possible users within the Government.

In addition to the functions mentioned, it is necessary for a Central Intelligence Agency to perform others of common concern to two or more agencies. These are projects which it is believed can be most efficiently or economically performed centrally. An example of such a service is the monitoring of foreign voice broadcasts. There are many departments of the Government vitally interested in this matter. No one department should shoulder the burden of its operation and expense. Nor should two or more agencies be duplicating the operation. It should rest with a central agency to operate such a service for all. Similarly, we have centralized the activities of the various foreign document branches which were operated by some of the services individually or jointly during the war.

I would call your attention to the fact that the kind of men who are able to execute the intelligence mission successfully are not too frequently found. They must be given an opportunity to become part of a secure and permanent agency which will grow in ability with the constant exercise of its functions in the fields of operations and research. We must have the best available men, working in the best possible atmosphere, and with the finest tools this Government can afford.

During the war, intelligence agencies were able to attract a great number of extremely intelligent, widely experienced, able men. Some are still available and might become members of the Central Intelligence Agency, should it become possible to insure them that career which was recommended by the Congressional Committee report I cited previously. It is very difficult to recruit such men before the will of Congress is made known. I do not wish to belabor this point, but it is most important.

In conclusion, I respectfully urge the passage of Section 202 of the bill under discussion, together with such additional legislation as is needed to make for operational efficiency. I urge your increased and continued interest in an intelligence system which can do much toward safeguarding our national security.

Such a system indicates the necessity for a Central Intelligence Agency to augment and coordinate these intelligence missions and functions of the armed services and the Department of State. Such an agency should be given the authority to provide research and analysis in the interest of national intelligence. We know that the passage of such legislation will enable us to establish a field attractive to men of outstanding background and experience in intelligence. These individuals will meet the challenge of the task before them -- the most stimulating in which men can serve their country -- by the production of a positive safeguard to the national security.

RIVERS AND HARBORS BILL

(Mr. MORANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORANO. Mr. Speaker, I take exception to the remarks made by the gentleman from Oklahoma concerning the veto of the President. I believe there was much justification for the President's action. Of course, I am happy to see that the gentleman from Iowa [Mr. Gross] is in agreement with the President, at least in this one instance. The gentleman from Iowa has ably given the reasons for the veto.

I happen to have a project in the Fourth Congressional District of Connecticut which is the Bridgeport Harbor project. This is a sound project. It is a project approved by the Chief of Engineers and by the Bureau of the Budget. It has been twice approved by this Congress and has failed of enactment because of a Presidential veto.

Today I am introducing a bill, an individual, special bill, to authorize the modification of the Bridgeport Harbor. I hope the Committee on Public Works will consider this bill and any others like it that may be introduced and take quick and favorable action on it. It is long overdue. The economy of the entire Bridgeport area is involved.

STORY OF FREE ENTERPRISE

(Mr. ALGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALGER. Mr. Speaker, years ago, I played golf with a fellow who shot consistently in the middle eighties. That is good golf by my standards and, by his standards, too, for he played for years with other 80 to 90 shooters and appeared to enjoy himself thoroughly.

One day, however, everything seemed to break right for him. He turned in a 74—a personal record.

On the following Saturday he went around in 83—really a bit better than his average score—but he immediately grumbled that he was "off his game." He is still grumbling, for I am afraid that something nearer 74 has become his notion of what is normal for him, at least when he is talking to others about it.

Could it possibly be that some of the isolated and anguished howls we hear today come from some who, having once done so, feel they should shoot a business or an economic 74, day in and day out, indefinitely?

During World War II some of us chuckled over the story of a young lieutenant, not long off the farm, who found himself riding in a Pullman for the first time. Nearing his destination, his embarrassment grew, for while he wanted to appear a man of the world, he had not the remotest idea how much to tip the Pullman porter. Being a direct young fellow, when the porter came to assist him with bags and coat, the lieutenant asked him straight out what he received, on the average.

out batting an eye, the porter came back, "\$2, suh."

Stunned, but trying desperately not to show it, the young lieutenant fished two bills out of his pocket and handed them over, at which the porter's eyes widened with respect. "Thank you, boss," he said, "you're the first gentlemen in 18 months to come up to my average."

RIVERS AND HARBORS BILL

(Mr. MCGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGREGOR. Mr. Speaker, it is not my habit to attempt to answer any of my colleagues, but I cannot help but take exception to the remarks of my good friend, the gentleman from Oklahoma [Mr. EDMONDSON] who is a member of the Committee on Public Works and who has just criticized the President for vetoing the pork barrel legislation known as the rivers and harbors bill, S. 497.

I am sure that my distinguished friend from Oklahoma recognizes now that it does not pay to put rotten apples in a barrel of good ones. Most of the projects in the bill are meritorious and were recommended according to established procedure. But what happened? Some few Members of Congress who could not get their projects recommended according to law by the Army engineers, the Secretary of Defense, and the Bureau of the Budget, insisted on putting their projects into the bill regardless of their adverse effect on the approved projects. The President could not do anything else but veto a bill of nearly a billion and a half dollars because there were approximately \$349 million worth of projects in the legislation that have not been approved or recommended by the proper departments of this Government. So some of those who put in the bill their projects that were not recommended should now go to the Members whose projects were legitimate ones and humbly apologize.

CORRECTION OF RECORD

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to correct the permanent Record with regard to pairs on roll-call No. 37, page 5081, beginning with Mr. McDONOUGH and Mr. JAMES, running through Mr. GREEN of Pennsylvania and Mr. DAWSON of Utah; also roll-call No. 39, page 5604, beginning with Mr. MCCORMACK and Mr. HOEVEN, running through Mr. BURDICK and Mr. HEALEY, except the pair of Mr. DURHAM and Mr. HARRISON of Virginia, which is to be eliminated. All names appearing on the left side are for the passage of the bill, and those names appearing on the right side are against the bill. The Record should then show the pairs as follows:

ROLL No. 37

The Clerk announced the following pairs: On this vote:

Mr. McDONOUGH for, Mr. JAMES against.
Mr. Garmatz for, Mr. Taylor against.
Mr. Arends for, Mr. Bosch against.
Mr. Wolverton for, Mr. Latham against.

Mr. Miller of New York for, Mr. LaFare against.

Mr. Haskell for, Mr. Scott of Pennsylvania against.

Mrs. St. George for, Mr. Cramer against.

Mr. Sheppard for, Mr. Dennison against.

Mr. Engel for, Mr. Coudert against.

Mr. Roosevelt for, Mr. Chipmfield against.

Mr. Dent for, Mr. Fino against.

Mr. Keogh for, Mr. Lennon against.

Mr. Anuso for, Mr. Alexander against.

Mr. Dollinger for, Mr. Abbott against.

Mr. Evins for, Mr. Radwan against.

Mr. O'Brien of Illinois for, Mr. Celler against.

Mr. Yates of Illinois for, Mr. Robeson of Virginia against.

Mr. Celler for, Mr. Cunningham of Nebraska against.

Mr. Farbstain for, Mr. Ray against.

Mr. Teller for, Mr. Colmer against.

Mr. Zelenko for, Mr. Tuck against.

Mr. Allen of California for, Mr. Krueger against.

Mr. Derounian for, Mr. Reed of New York against.

Mr. Delaney for, Mr. Curtis of Missouri against.

Mrs. Kelly of New York for, Mr. Vaya against.

Mr. Fallon for, Mr. Gwinn against.

Mr. Kluczynski for, Mr. Dice against.

Mr. Walter for, Mr. Reuss against.

Mr. Healey for, Mr. Smith of Virginia against.

Mr. Buckley for, Mr. Grant against.

Mr. Green of Pennsylvania for, Mr. Dawson of Utah against.

ROLL No. 39

The Clerk announced the following pairs: On this vote:

Mr. McCormack for, Mr. Hoeven against.

Mr. Forrester for, Mr. Coudert against.

Mr. Colmer for, Mr. Scherer against.

Mr. Abbott for, Mr. Hess against.

Mr. Lennon for, Mr. Kean against.

Mr. Adair for, Mr. Taylor against.

Mrs. Harden for, Mr. Landrum against.

Mr. Halleck for, Mr. Vinson against.

Mr. Mumma for, Mr. Celler against.

Mr. James for, Mr. Buckley against.

Mr. Becker for, Mr. Rooney against.

Mr. Wilson of California for, Mr. Dooley against.

Mr. Filcher for, Mrs. Bolton against.

Mr. Barden for, Mr. Bow against.

Mr. Boland for, Mr. Riley against.

Mr. Passman for, Mr. Horan against.

Mr. Patman for, Mr. Dollinger against.

Mr. Rains for, Mrs. Sullivan against.

Mr. Dies for, Mr. Preston against.

Mr. Robeson of Virginia for, Mr. Hollie'd against.

Mr. Burdick for, Mr. Healey against.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDING SECTION 161, REVISED STATUTES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up the resolution (H. Res. 314) providing for the consideration of H. R. 2767, a bill to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records, and ask for its immediate consideration.

The Clerk read the resolution as

House Calendar No. 24

83^d CONGRESS
1ST SESSION

H. RES. 195

[Report No. 225]

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 1953

Mr. ALLEN of Illinois, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of S. 1110, an Act to authorize the
5 appointment of a Deputy Director of Central Intelligence,
6 and all points of order against said bill are hereby waived.
7 That after general debate, which shall be confined to the
8 bill and continue not to exceed one hour, to be equally
9 divided and controlled by the chairman and ranking minority
10 member of the Committee on Armed Services, the bill shall
11 be read for amendment under the five-minute rule. It shall

12 be in order to consider with

[PUBLIC LAW 253--80TH CONGRESS]

[CHAPTER 343--1ST SESSION]

[S. 753]

AN ACT

To promote the national security by providing for a Secretary of Defense; for a National Military Establishment; for a Department of the Army, a Department of the Navy, and a Department of the Air Force; and for the coordination of the activities of the National Military Establishment with other departments and agencies of the Government concerned with the national security.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947".

TABLE OF CONTENTS

Sec. 2. Declaration of policy.

TITLE I--COORDINATION FOR NATIONAL SECURITY

- Sec. 101. National Security Council.
- Sec. 102. Central Intelligence Agency.
- Sec. 103. National Security Resources Board.

TITLE II--THE NATIONAL MILITARY ESTABLISHMENT

- Sec. 201. National Military Establishment.
- Sec. 202. Secretary of Defense.
- Sec. 203. Military Assistants to the Secretary.
- Sec. 204. Civilian personnel.
- Sec. 205. Department of the Army.
- Sec. 206. Department of the Navy.
- Sec. 207. Department of the Air Force.
- Sec. 208. United States Air Force.
- Sec. 209. Effective date of transfers.
- Sec. 210. War Council.
- Sec. 211. Joint Chiefs of Staff.
- Sec. 212. Joint staff.
- Sec. 213. Munitions Board.
- Sec. 214. Research and Development Board.

TITLE III--MISCELLANEOUS

- Sec. 301. Compensation of Secretaries.
- Sec. 302. Under Secretaries and Assistant Secretaries.
- Sec. 303. Advisory committees and personnel.
- Sec. 304. Status of transferred civilian personnel.
- Sec. 305. Saving provisions.
- Sec. 306. Transfer of funds.
- Sec. 307. Authorization for appropriations.
- Sec. 308. Definitions.
- Sec. 309. Separability.
- Sec. 310. Effective date.
- Sec. 311. Succession to the Presidency.

DECLARATION OF POLICY

SEC. 2. In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and

Calendar No. 1595

84TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1570

JOINT COMMITTEE ON CENTRAL
INTELLIGENCE AGENCY

REPORT

OF THE

COMMITTEE ON
RULES AND ADMINISTRATION

UNITED STATES SENATE
EIGHTY-FOURTH CONGRESS
SECOND SESSION

TO ACCOMPANY

S. Con. Res. 2

TOGETHER WITH THE
INDIVIDUAL VIEWS OF MR. HAYDEN



FEBRUARY 23 (legislative day, FEBRUARY 22), 1956.—Ordered to be printed

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1956

71008

Public Law 53 - 82d Congress
Chapter 151 - 1st Session
S. 927

AN ACT

To amend section 6 of the Central Intelligence Agency Act of 1949.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Central Intelligence Agency Act of 1949 (Act of June 20, 1949, ch. 227, sec. 6, 63 Stat. 211) is hereby amended by the addition of a subsection "(f)" as follows:

"(f) (1) Notwithstanding section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U. S. C. A. 62), or any other law prohibiting the employment of any retired commissioned or warrant officer of the armed services, the Agency is hereby authorized to employ and to pay the compensation of not more than fifteen retired officers or warrant officers of the armed services while performing service for the Agency, but while so serving such retired officer or warrant officer will be entitled to receive only the compensation of his position with the Agency, or his retired pay, whichever he may elect.

"(2) Nothing in this section shall limit or affect the appointment of and payment of compensation to retired officers or warrant officers not presently or hereafter prohibited by law."

Approved June 26, 1951.

[PUBLIC LAW 600—79TH CONGRESS]

[CHAPTER 744—2D SESSION]

[H. R. 6533]

AN ACT

To authorize certain administrative expenses in the Government service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided herein, when authorized, in the order directing the travel, by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with the Act of February 14, 1931) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed seven thousand pounds if uncrated or eight thousand seven hundred and fifty pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement): *Provided*, That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under the Subsistence Expense Act of 1926 (5 U. S. C. 828): *Provided further*, That the allowances herein authorized shall not be applicable to civilian employees of the War Department and their dependents when transferred under the provisions of section 3 of the Act of June 5, 1942 (50 U. S. C. 763), nor to officers and employees of the Foreign Service, Department of State: *Provided further*, That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State) shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request: *Provided further*, That in case of transfer from one department to another such expenses shall be payable from the funds of the department to which the officer or employee is transferred.

(b) In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) at such rates per one hundred pounds as may be fixed by zones in regulations prescribed by the President.

[No. 204]

FULL COMMITTEE HEARING ON S. 3446, S. 3875, H. R. 9262

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D. C., Tuesday, August 1, 1950.

The committee met at 10 a. m., Hon. Carl Vinson, (chairman) presiding.

The CHAIRMAN. Let the committee come to order.

S. 3446

This is a regular Tuesday morning meeting.

The first bill I want to call up this morning is Senate bill 3446, to authorize the restoration of Edwin M. Rosenberg, lieutenant commander, retired, to the active list of the United States Navy.

(S. 3446 is as follows:)

[S. 3446, 81st Cong., 2d sess.]

AN ACT To authorize the restoration of Edwin M. Rosenberg, lieutenant commander, retired, to the active list of the United States Navy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to appoint Edwin M. Rosenberg, now an officer on the retired list of the United States Navy, an officer on the active list of the line of the United States Navy with the permanent rank of lieutenant commander and with the date of rank of October 3, 1945. Upon such appointment the said Edwin M. Rosenberg shall be given the same precedence on the lineal list of officers of the United States Navy to which he would have been entitled had he not been placed on the retired list of officers of the United States Navy.

Passed the Senate July 26 (legislative day, July 20), 1950.

Attest:

LESLIE L. BIFFLE, *Secretary.*

The CHAIRMAN. Was this bill recommended by the Department?

Mr. HARPER. The Department interposed no objection to it.

Mr. SHORT. What happened?

Mr. CLEMENTE. What is the basis of this legislation?

The CHAIRMAN. Is the commander here?

Commander ROSENBERG. Yes, sir.

The CHAIRMAN. Come around, sir.

Now, I read in the paper about this bill. And you called in the office to ask for a hearing on it. Instead of referring it to a subcommittee, I thought it would be wise for the full committee to hear it.

Now, tell the committee why you were retired on October 3, 1945.

Commander ROSENBERG. That date is not correct, sir. I was retired on the 1st of March 1947, because I had had cancer and the medical department of the Navy felt that my statistical chances of complete recovery were pretty slight at the time. They said that they were required to retire me for that reason.

The CHAIRMAN. Then you were retired in 1947?

Commander ROSENBERG. That is correct.

Calendar No. 90

81ST CONGRESS }
1st Session }

SENATE

{ REPORT
No. 106

PROVIDING FOR THE ADMINISTRATION OF THE CENTRAL INTELLIGENCE AGENCY, ESTABLISHED PURSUANT TO SECTION 102, NATIONAL SECURITY ACT OF 1947

MARCH 10 (legislative day, FEBRUARY 21), 1949.—Ordered to be printed

Mr. TYDINGS, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 2663]

The Committee on Armed Services, to whom was referred the bill (H. R. 2663) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the Central Intelligence Agency the authorities necessary for its proper administration. The bill deals with procurement, travel, allowances and related expenses, general authorities, and methods of expenditures of appropriated funds. Further, it protects the confidential nature of the Agency's functions and makes provisions for the overseas administration of the Agency.

SECTION-BY-SECTION ANALYSIS

Section 1 comprises definitions of certain terms used in the act.

Section 2 provides for a seal of office. Intelligence records contain information that is sometimes required for official use either in other departments or as evidence in legal proceedings. Unless proper authentication of copies can be made, original documents would have to be produced.

Subsection 3 (a) provides for the extension to the Agency of certain provisions of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Cong.). These provisions authorize negotiation on purchases and contracts for supplies without advertising if—

There is a national emergency (sec. 2 (c) (1));

The public exigency will not admit a delay (sec. 2 (c) (2));

Calendar No. 246

80TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 239

NATIONAL SECURITY ACT OF 1947

JUNE 5 (legislative day, APRIL 21), 1947.—Ordered to be printed

Mr. GURNEY, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 758]

The Committee on Armed Services, to whom was referred the bill (S. 758), to promote the national security by providing for a National Defense Establishment, which shall be administered by a Secretary of National Defense, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Defense Establishment, and for the coordination of the activities of the National Defense Establishment with other departments and agencies of the Government concerned with the national security, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The proposed bill (S. 758) was forwarded to the President pro tempore of the Senate on February 26, 1947, by the President, who stated in his forwarding letter that it (S. 758) had been drafted by representatives of the armed services, and had the approval of the Secretary of War, the Secretary of the Navy, and the Joint Chiefs of Staff. The bill was referred to your committee on March 3, 1947.

On March 18, 1947, your committee started hearings which lasted for nearly 10 weeks and afforded a full opportunity to be heard to the representatives of all Government departments and agencies and to all private individuals.

On May 20, 1947, your committee commenced executive sessions to review the testimony received in extensive hearings on the bill, and to consider proposed amendments. During the course of the executive sessions, the bill (S. 758) was so amended, without materially changing its basic provisions, as to make it a clear and precise expression of the will of Congress in regard to unification of the armed services.

On June 4, 1947, S. 758 (revised) was approved in your committee (by a vote of 12 yeas to 0 noes) and ordered reported to the Senate. It should be noted that certain of the committee members, while

80TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } No. 1051

NATIONAL SECURITY ACT OF 1947

JULY 24, 1947.—Ordered to be printed

Mr. HOFFMAN, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 758]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 758) to promote the national security by providing for a National Security Organization, which shall be administered by a Secretary of National Security, and for a Department of the Army, a Department of the Navy, and a Department of the Air Force within the National Security Organization, and for the coordination of the activities of the National Security Organization with other departments and agencies of the Government concerned with the national security, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947".

TABLE OF CONTENTS

Sec. 2. Declaration of policy.

TITLE I—COORDINATION FOR NATIONAL SECURITY

Sec. 101. National Security Council.

Sec. 102. Central Intelligence Agency.

Sec. 103. National Security Resources Board.

H. Rept. 1051, 80-1—1

DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE
CERTIFICATION OF PAY VOUCHERS BY OFFICERS
EXTENDING MISSING PERSONS ACT

HEARING
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
FIRST SESSION

ON

S. 1110

A BILL TO AUTHORIZE THE APPOINTMENT OF A DEPUTY
DIRECTOR OF CENTRAL INTELLIGENCE

S. 1078

A BILL TO AUTHORIZE THE USE OF CERTIFICATES BY
OFFICERS OF THE ARMED FORCES OF THE UNITED
STATES, IN CONNECTION WITH CERTAIN PAY AND ALLOW-
ANCE ACCOUNTS OF MILITARY AND CIVILIAN PERSONNEL

S. 1229

A BILL TO CONTINUE THE EFFECTIVENESS OF THE
MISSING PERSONS ACT, AS AMENDED AND EXTENDED,
UNTIL JULY 1, 1954

MARCH 12, 1953

Printed for the use of the Committee on Armed Services

UNITED STATES
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30 April 1961

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page copied

Statement of

LIEUTENANT GENERAL HOYT S. VANDENBERG
Director of Central Intelligence

Before The
Armed Services Committee
of the
United States Senate

On S. 758,
"The National Security Act of 1947".
- - -

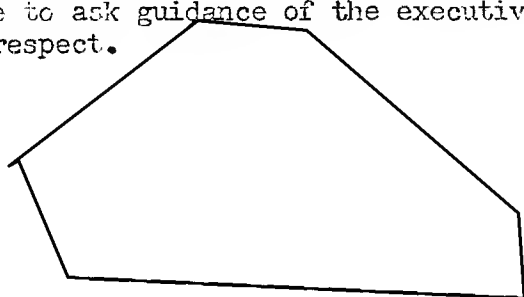
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and not by the court. He said: "We don't agree. We are lawyers. This is a problem for the court. This offends. This is your process. Neither do we welcome the suggestion that such a matter be decided without both sides being heard. We want to be in on it. For the court to adopt [redacted] suggestion is to ignore your fundamental duty and the judicial character of this proceeding. It is Your Honor's arduous duty to pass on these things."

5. Copies of the court's opinion and order refusing to quash the subpoenas were distributed and I was able to secure one. It accompanies this memorandum. It will be noted that Judge Kirkland states in his opinion that he is awake to the danger to the national security inherent in uncontrolled public disclosure of the material within the sweep of the terms of the subpoenas, that if the occasion arises he will not hesitate to ask guidance of the executive branch of the Government in that respect.

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Attachment

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Calendar No. 1340

80TH CONGRESS }
2d Session }

SENATE

} REPORT
No. 1302

PROVIDING FOR THE ADMINISTRATION OF THE CENTRAL INTELLIGENCE AGENCY, ESTABLISHED PURSUANT TO SECTION 102, NATIONAL SECURITY ACT OF 1947

MAY 17 (legislative day, MAY 10), 1948.—Ordered to be printed

Mr. SALTONSTALL, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 2688]

The Committee on Armed Services, having had under consideration the Central Intelligence Agency Act of 1948, report the following bill (S. 2688) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, and recommend that it do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the Central Intelligence Agency the authorities necessary for its proper administration. The bill deals with procurement, travel, allowances and related expenses, general authorities, and methods of expenditures of appropriated funds. Further, it protects the confidential nature of the Agency's functions and makes provisions for the internal administration of the Agency. In almost all instances, the powers and authorities contained in the bill already exist for some other branch of the Government, and the bill merely extends similar authorities to the Central Intelligence Agency.

COMMITTEE CONSIDERATION

Hearings on the matter were conducted in executive session because the confidential nature of the Agency's functions were deemed to be such as to require the discussions to be so held. The committee carefully considered all sections of the bill, and, after such consideration, is satisfied that all provisions of the proposal are justified and necessary to the efficient operation of the intelligence service of the United States.

80TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } No. 1853

CENTRAL INTELLIGENCE ACT OF 1948

MAY 4, 1948.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHAFER, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 5871]

The Committee on Armed Services, to whom was referred the bill (H. R. 5871) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendments are as follows:

On page 4, line 3, strike out the word "officials" and insert in lieu thereof the word "officers".

On page 4, line 6, strike out the word "officials" and insert in lieu thereof the word "officers".

On page 4, line 9, after the word "its" add the words "officers and".

On page 5, strike out line 25 and on page 26 strike out lines 1 through 4, inclusive, and substitute in lieu thereof the following:

(2) Order to the continental United States on leave provided for in 5 U. S. C. 30, 30a, 30b, or as such sections may hereafter be amended, every officer and employee of the Agency who is a citizen of the United States, upon completion of two years' continuous service abroad, or as soon as possible thereafter: *Provided*, That such officer or employee has accrued to his credit at the time of such order, annual leave sufficient to carry him in a pay status while in the United States for at least a 30-day period.

On page 6, line 14, strike out the words "sailing or flight" and insert in lieu thereof the word "transportation".

On page 6, line 18, strike out the word "he" and insert in lieu thereof the words "the Agency head".

The purpose of the proposed legislation is to grant to the Central Intelligence Agency the authority necessary for its proper administration. The proposed legislation deals with procurement, travel, allowances and related expenses, general authorities and appropriations.

[PUBLIC LAW 697—81ST CONGRESS]

[CHAPTER 719—2D SESSION]

[S. 3875]

AN ACT

To amend section 9 of the Central Intelligence Agency Act of 1949.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Central Intelligence Agency Act of 1949 (Act of June 20, 1949, ch. 227, sec. 9, 63 Stat. 212) is hereby amended by deleting the figure "\$10,000" and substituting in lieu thereof the figure "\$13,100".

Approved August 16, 1950.